

Message Text

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44

ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00 SS-15 NSC-10 L-03

H-02 RSR-01 /088 W

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R 011035 Z JUN 73

FM AMEMBASSY THE HAGUE

TO SECSTATE WASHDC 1405

LIMITED OFFICIAL USE THE HAGUE 2470

E. O. 11652: N/ A

TAGS: ETRN, NL

SUBJECT: CIVAIR - CHARTER UNDERSTANDING

REF: STATE 87449

1. CIVILAIR AND MFA HAVE FINALLY COME THROUGH WITH RESPONSE TO OUR SUGGESTED CHANGES IN DRAFT MEMORANDUM OF UNDERSTANDING, AS FOLLOWS:

A) THEY ACCEPT OUR VERSION OF THIRD UNNUMBERED PARAGRAPH, PARA 5 AND PARA 12 WITHOUT FURTHER CHANGE.

B) THEY REQUEST CHANGE IN PARA 11 TO READ AS FOLLOWS: QUOTE ACCEPT AS CHARTERWORTHY ANY BONA FIDE " PRIOR AFFINITY" CHARTER TRAFFIC CONFORMING TO THE RULES OF BOTH PARTIES UNQUOTE. THEIR STATED PURPOSE IN MAKING THIS CHANGE IS TO PRESENT CLEARLY THE EQUAL APPLICATION OF THE RULES OF BOTH PARTIES. COMMENT: AS WE SEE IT, THIS LANGUAGE WOULD HAVE EFFECT IDENTICAL WITH OUR VERSION, INCLUDING COVERAGE OF QUESTION OF VALIDITY. WE RECOMMEND ACCEPTANCE.

C. THEY INSIST ON INCLUSION OF TERM " ON- AND OFF- ROUTE ITCS" IN FOOTNOTE 1. WE REVIEWED ALL REASONS FOR ELIMINATING " ON- AND OFF- ROUTE", INCLUDING DOMESTIC SENSITIVITY OF ITC QUESTION IN U. S. AT PRESENT, ESPECIALLY IN VIEW OF MORAL (THOUGH NOT LEGAL) OBLIGATION TO ALLOW ITCS IMPLIED BY FOOTNOTE, AND NOTING EXPRESSION OF DUTCH INTEREST TO BE CONTAINED IN EXCHANGE OF NOTES COVERING MOU.

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NEVERTHELESS CIVILAIR HELD ITS POSITION ON BASIS OF " IMPORTANCE
GON ATTACHES TO SMOOTH OPERATION OF ITC IN PRACTICE ". THEY NOTED
THAT THE EXPRESSION WOULD NOT CARRY ANY LEGAL OBLIGATION BUT SAID
THAT IT WOULD DEMONSTRATE THAT THE TWO PARTIES HAD CONSIDERED THE
MATTER. WHEN PRESSED REGARDING POSSIBLE OUTCOME OF THIS ISSUE, THEY
IMPLIED THAT THEY WOULD INSIST ON INCLUSION OF PHRASE EVEN IF IT PRE-
VENTED CONCLUSION OF AGREEMENT.

2. TO DEAL FINALLY WITH THIS QUESTION, WE WOULD APPRECIATE ADVICE
AS TO ITC OPERATIONS NOW ALLOWED AND EXPECTED IN FUTURE FOR DUTCH
CARRIERS IN USA, AS WELL AS ANY OTHER FACTORS WHICH MIGHT DEMONSTRATE
THAT DUTCH HAVE NOTHING TO GAIN BY INSISTENCE ON THIS POINT. WE
FRANKLY FIND IT HARD TO BELIEVE THAT THEY WOULD REFUSE TO SIGN
AGREEMENT ON THIS POINT. AT SAME TIME DEPT/ CAB MAY WISH TO CONSIDER
WHETHER WE SHOULD FINALLY ACCEPT DUTCH LANGUAGE IF THEY DO INSIST.
INSTRUCTIONS REQUESTED.
MIDDENDORF

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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